

THE STATE OF TEXAS

ROADS: RIGHT-OF-WAY  
EMINENT DOMAIN PROCEEDINGS  
COUNTEROFFER FM2514 PARCELS 10 & 42  
ENGINEERING

COUNTY OF COLLIN

On **October 23, 2000**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

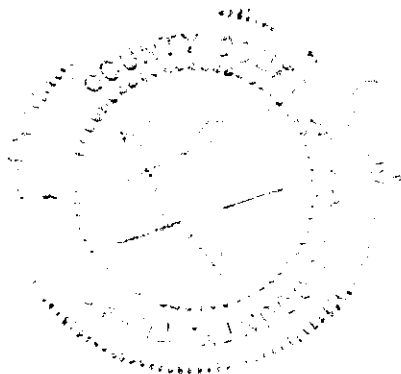
Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

NOT PRESENT

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

During such session the court considered a request for approval to accept the counteroffers for parcels 10 and 42 as per attached, and proceed with Eminent Domain Proceedings for properties on FM2514 (1983 Bond Project #83-59).

Thereupon, a motion was made, seconded and carried with a majority vote of the court to approve to accept the counteroffers for parcels 10 and 42 as per attached, and proceed with Eminent Domain Proceedings for Parcel #9, FM2514 (1983 Bond project #83-59). Same is hereby approved in accordance with the attached documentation.



  
\_\_\_\_\_  
Ron Harris, County Judge

  
\_\_\_\_\_  
Phyllis Cole, Commissioner, Pct. 1


  
\_\_\_\_\_  
Jerry Hoagland, Commissioner, Pct. 2

NOT PRESENT

\_\_\_\_\_  
Joe Jaynes, Commissioner, Pct. 3

  
\_\_\_\_\_  
Jack Hatchell, Commissioner, Pct. 4

ATTEST:

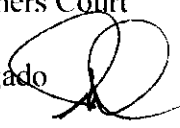
  
\_\_\_\_\_  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, T E X A S

# MEMORANDUM

## EXECUTIVE AGENDA

October 16, 2000

To: Commissioners Court

Fr: Ruben Delgado 

Re: FM 2514-Parker Road Consideration of Counteroffer  
Parcel 42 Harry Jacobs  
Parcel 10 Larry & Judy Garrett  
1983 Bond Project, #83-59

After the completion of 3 eminent domain cases on October 24<sup>th</sup> and 25<sup>th</sup>, we will only need 3 parcels to completely acquire the right-of-way on Parker road. The 3 remaining parcels are the 2 referenced above and Mr. Bucky Buckley( Parcel 9 ).

The above referenced parcels owners have counteroffered as follows:

Parcel	Owner	Appraised Value	Counteroffer
10	Garrett	\$2628	\$5928 (1)
42	Jacobs	\$5014	\$8359 (2)

(1) Reference ROWAC letter dated May 16, 2000 -EXHIBIT A. 3 pages

(2) Reference ROWAC letter dated Oct. 5, 2000-EXHIBIT B. 2 pages

With the completion of the eminent domain cases and the settlement of Parcel 42, the City of Parker can begin installing their new waterline Nov./Dec. 2000. We have been meeting monthly with the utility companies to relocate their utilities in order to provide TxDOT the right-of-way "free and clear" by this time next year.

In comparison with the increase in cost, time and effort involved with eminent domain and delay of utility relocation, the above counteroffers appear most cost effective. Therefore, we ask Commissioners Court favorably consider the counteroffers for parcels 10, and 42.

Although Mr. Bucky Buckley differs with the appraisal, he has assured us he is in favor of the road improvements, nonetheless, we request Commissioners Court proceed to acquire the right-of-way through eminent domain. We will continue to negotiate with him or at least obtain the right-of entry.

Xc: Bob Lindberg

**EXHIBIT "A"****Page 1 of 3**

# FAX TRANSMISSION

**ROWAC**  
3838 Weeburn Drive  
Dallas, TX 75229  
214/358-6452  
Fax: 214/358-6463

**To:** Ruben Delgado **Date:** May 16, 2000  
**Fax #:** 972-548-3754 **Pages:** 1, including this cover sheet.  
**From:** Jay Cullar  
**Subject:** FM 2514, Parcel 10 - Garrett

Ruben:

Mr. Garrett will sign the instruments if the County will pay him for the relocation of a cattle guard currently on Parker Road to Brookwood Drive. We have obtained a quote from the company who did the work originally. Following are the fees:

Back Hoe Fee	\$ 300
Pour and Supply 30' - 40' of concrete	\$2,000
Move existing cattle guard	<u>\$1,000</u>
<b>TOTAL</b>	<b>\$3,300</b>

The total appraised value for the referenced parcel is \$2,628. The additional compensation for the cattle guard would bring the total compensation to \$5,928.

We consider the relocation of the cattle guard to be a reasonable concession and recommend the Commissioners approve the additional funds for the relocation of the cattle guard.

Respectfully submitted,

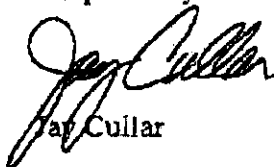
  
Jay Cullar

EXHIBIT "A"

Page 2 of 3

ROWA C

RIGHT OF WAY ACQUISITION CONSULTANTS

3838 WEEBURN DRIVE

DALLAS, TEXAS 75229-2739

(214) 358-6452 • (214) 358-6463 FAX

Date: September 8, 2000

Pages: 2

To: Mr. Bill Lovil, P.E.  
Phone: 972-542-2345  
Fax: 972-542-5820

From: Jay Cullar  
Phone: 214-358-6452  
Fax: 214-358-6463

Re: FM 2514 - Parcel 10: Garrett

TO: RUBEN  
DELGADO

Dear Bill:

Please review the following letter of agreement with the referenced property owner who has agreed to close their existing driveway on FM 2514 and open another on the adjacent street. I need to make sure it adequately explains the agreement and that State contractor will perform the work as agreed.

Please contact me should you have any additional questions or concerns. Fax any changes to the letter back to our office.

Cordially,

cc: John  
LovelTEXAS DEPARTMENT  
OF TRANSPORTATION  
COLLIN CO. AREA OFFICE

SEP 8 2000

McKINNEY TEXAS  
RECEIVED

**EXHIBIT "A"**

**Page 3 of 3**

# ROWAC

**RIGHT OF WAY ACQUISITION CONSULTANTS**

**3836 WEEBURN DRIVE  
DALLAS, TEXAS 75226-2739  
(214) 358-6452 • (214) 358-6463 FAX**

**September 8, 2000**

**Larry & Judy Garrett  
Rt 1, Box 338  
Plano, TX 75074-9607**

**Re: FM 2514 Improvement Project - Parcel 10  
Explanation of Agreement**

**Dear Mr. & Mrs. Garrett:**

**This letter is intended to clarify the agreement between the County, Texas Department of Transportation (TxDOT) and you regarding the referenced project.**

**The engineers for TxDOT have agreed to reconstruct and relocate the cattle guard and that portion of your driveway currently located on FM 2514 to the adjacent road, Springhill Estates Drive. It is recognized that the future location of the driveway should be at a location on your property suitable to you. Therefore, you will need to identify the location on Springhill Estates Drive where the driveway will need to be. This should be done within the next two weeks so that we can inform the engineers of the new driveway location.**

**As part of the construction of the driveway, the contractor will remove or bury the existing cattle guard on FM 2514 and reconstruct the fence across the driveway. The fence is acknowledged to be made of wood poles with barbed wire and cross hatched wire fence strung between the poles.**

**Please do not hesitate to contact us should you have any further questions or concerns.**

**Cordially,**

**Jay Cullar, SR/WA**

**cc: Ruben Delgado  
Bill Lovil**

**EXHIBIT "B"****Page 1 of 2****ROWAC****RIGHT OF WAY ACQUISITION CONSULTANTS**

**3836 WEEBURN DRIVE**  
**DALLAS, TEXAS 75229-2739**  
**(214) 358-6452 • (214) 358-6453 FAX**

**MEMORANDUM**

**To:** Ruben Delgado **Fax #:** 1-972-548-5555 - ( 1 ) Pages  
**Date:** October 5, 2000  
**From:** Kathy Cullar  
**Project:** FM 2514  
**Parcel/Name:** 42 Harry Jacobs  
**Subject:** Counter offer

Ruben:

As you recall, the Ray Jacobs property was purchased by the father Harry Jacobs and because of the type of sale, the title is presumed to be clear (still waiting on the new title commitment). Harry Jacobs has provided a Power of Attorney to Ray Jacobs and he provide a counter offer today. Our final offer/appraisal was based on the following:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Land	0.080 acres X \$30,000 per acre	\$2,400.00
Improvements	landscaping \$300 , fencing 202' fencing @ \$7.00 = \$1,414 lateral line, 100' @ \$8.00 = \$800 plus permit \$100	\$2,614.00
	<b>TOTAL COMPENSATION</b>	<b>\$5,014.00</b>

Ray Jacobs is aware of several of the Commissioner's Hearing's outcomes. He says his taxes are \$35,000 per acre and he would accept that amount as the basis of the offer. As to the lateral line, the bids he has all agree with the \$8.00 per linear foot but what was left out was that there is a minimum of 200 feet charged and he will counter with that correction. He also has two bids on the fences, one for \$19.00 per foot and one for \$17.50 per foot. He said the difference between the appraisal was that his fence is a painted white wood plank and the contractors said they can install the fence but must wait for it to dry out and then make another trip to paint. He will accept the \$17.50 per foot bid. He has other incidentals that came to an additional \$500.00 (time off from work to get the bids and to supervise the replacement of the improvements). He said with these changes, he will accept the offer.

Based on the above, the counter offer is as follows:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Land	0.080 acres X \$35,000 per acre	\$2,800.00
Improvements	landscaping \$300 , fencing 202' fencing @ \$17.50 = \$3,535 lateral line, 200' @ \$8.00 = \$1,600 plus permit \$100 plus other expenses \$500	\$6,035.00
	<b>TOTAL COMPENSATION</b>	<b>\$8,835.00</b>

What is the County's response to this counter offer?

**Subject: FM 2514 - Parcel 42, Jacobs**

**Date: Mon, 9 Oct 2000 20:40:38 -0500**

**From: "Jay Cullar, SR/WA" <jcullar@airmail.net>**

**Reply-To: <jcullar@rowac.com>**

**To: "Ruben Delgado" <directeng@co.collin.tx.us>**

Ruben,

I spoke with Mr. Jacobs today about the two revisions to the proposal to take to the Commissioners (permit fee and \$500 for his time to take off of work), and he considers it acceptable.

He is expecting \$8,235 total compensation instead of \$8,835 which he previously submitted.

Cordially,

Jay Cullar, SR/WA  
Office: 214-358-6452  
Fax: 214-358-6463